

REMARKS

The above amendments and these remarks are responsive to the Office Action issued on October 5, 2004. A petition for an one-month extension of time is submitted concurrently herewith.

By this response, claims 1, 5-11, 13 and 14 are amended, and claim 15 is newly presented. Claims 2-4 are cancelled without prejudice. No new matter is added. Claims 1 and 5-15 are now active for examination.

The Office Action dated October 5, 2004 rejected claims 1, 2, 10, 11 and 13 under 35 U.S.C. §102(b) as being anticipated by Gabr (U.S. Patent No. 3,995,124). Claims 3-9 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gabr. Claim 12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Gabr in view of Losey (U.S. Patent No. 6,748,308). The rejections are respectfully traversed in view of the claim amendments and remarks presented herein.

The Rejections of Claims 2-4 Are Moot

By this Response, claims 2-4 are cancelled without prejudice. Therefore, the rejections of claims 2-4 are now moot.

The Anticipation Rejection of Claims 1 10, 11 and 13 Is Traversed

Claims 1, 10, 11 and 13 were rejected as being anticipated by Gabr. The anticipation rejection is respectfully traversed because Gabr cannot support a prima facie case of anticipation.

By this Response, claim 1 is amended and describes a vocal sound input apparatus that has a receiving microphone and a noise collecting microphone. The receiving microphone and

the noise collecting microphone are mounted to each other and disposed at a predetermined portion of a vehicle body. The sensitivity direction of the receiving microphone is arranged to be opposite to the sensitivity direction of the noise collecting microphone, wherein the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment, and the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment. Appropriate support for the amendment can be found in, for example, Fig. 3 and paragraphs [0022] and [0023] of the written description.

In contrast, although Gabr describes two electro-acoustic transducers (14, 16) mounted together and having opposite sensitivity direction, Gabr does not teach the specific orientations of the microphones relative to a vehicle or vehicle compartment. Specifically, Gabr does not describe that “the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment, and the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment,” as recited in claim 1. Since Gabr fails to teach every limitation of claim 1, Gabr cannot support a prima facie case of anticipation. Accordingly, claim 1 is patentable over Gabr. Favorable reconsideration of claim 1 is respectfully requested.

Claims 10 and 11 depend on claim 1 and incorporate every limitation thereof. Therefore, claims 10 and 11 also are patentable over Gabr by virtue of their dependencies from claim 1. Favorable reconsideration of claims 10 and 11 is respectfully requested.

Claim 13, as amended, describes a vocal sound input apparatus that includes a receiving microphone to input a vocal sound from a speaker, and a noise collecting microphone to collectively input a surrounding noise. The receiving microphone and the noise collecting

microphone are mounted to each other, and a sensitivity direction of the receiving microphone is different from a sensitivity direction of the noise collecting microphone. Similar to claim 1, the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment, and the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment. Appropriate support for the amendment can be found in, for example, Fig. 3 and paragraphs [0022] and [0023] of the written description.

As discussed earlier relative to claim 1, Gabr does not disclose that the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment, and the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment, as described in claim 13. Since Gabr fails to teach every limitation of claim 13, Gabr cannot support a prima facie case of anticipation. Accordingly, claim 13 is patentable over Gabr. Favorable reconsideration of claim 13 is respectfully requested.

The Obviousness Rejections of Claims 5-9, 12 and 14 Are Overcome

(1) Claims 5-9 and 14

Claims 5-9 and 14 were rejected as being unpatentable over Gabr. It is submitted that the obviousness rejection is overcome because Gabr fails to teach or suggest every limitation of the claims.

Claims 5-9 depend on claim 1 and incorporate every limitation thereof. As discussed earlier relative to claim 1, Gabr fails to disclose or suggest every limitation of claim 1. Accordingly, claims 5-9 are patentable over Gabr for at least the same reasons as for claim 1, as

well as based on their own merits. Favorable reconsideration of claims 5-9 is respectfully requested.

Claim 14, as amended, describes a vocal sound input including a receiving microphone to input a vocal sound from a speaker; and a noise collecting microphone to collectively input a surrounding noise of the speaker, both of which are attached onto an interior trim material defining a vehicular passenger compartment in such a manner that a sensitivity direction of the receiving microphone is oriented towards inside of the vehicular passenger compartment and the noise collecting microphone is oriented towards a space between a vehicular body outer plate and the interior trim material. As discussed relative to claim 1, Gabr does not disclose or suggest how the sensitivity directions should be arranged relative to a vehicle compartment, as described in claim 14. Consequently, claim 14 is patentable over Gabr. Favorable reconsideration of claim 14 is respectfully requested.

(2) Claim 12

Claim 12 depends from claim 1 and was rejected as being unpatentable over Gabr in view of Losey. It is submitted that the obviousness rejection is overcome because Gabr and Losey cannot support a prima facie case of obviousness.

As discussed earlier, Gabr fails to teach or suggest that the sensitivity direction of the receiving microphone is oriented towards inside of a vehicular passenger compartment, and the sensitivity direction of the noise collecting microphone is oriented towards a space between a vehicle body outer plate and a wall of the vehicular passenger compartment, as described in claim 1. Losey was cited by the Examiner for disclosing a processor for performing specific steps based on signals received from a microphone, but does not alleviate the deficiencies of Gabr. Therefore, Gabr and Losey, even combined, do not describe every limitation of claim 1.

Accordingly, claim 12 is patentable over Gabr and Losey through its dependency from claim 1. Favorable reconsideration of claim 12 is respectfully requested.

New Claim 15 Is Patentable

New claim 15 describes a vocal sound input apparatus that includes a receiving microphone and a noise collecting microphone, both of which are disposed at a predetermined portion of a vehicle body. The sensitivity direction of the noise collecting microphone is specifically oriented towards a space between a vehicle body outer plate and a vehicular passenger compartment trim material, and the sensitivity direction of the receiving microphone is oriented towards inside of the vehicular passenger compartment. The arrangements prevent a vocal sound from being inputted to the noise collecting microphone from the sensitivity direction of the receiving microphone, and the noise from being inputted to the receiving microphone from the sensitivity direction of the noise collecting microphone.

As discussed earlier, neither Gabr nor Losey describes arranging of the microphones such that the sensitivity directions of the microphones are oriented in specific directions relative to a vehicle or vehicle compartment. It is believed that other publications made of record also fail to teach this feature. Accordingly, new claim 15 is patentable. Favorable consideration of claim 15 is respectfully requested.

For the reasons given above, Applicants believe that this application is conditioned for allowance and Applicants request that the Examiner give the application favorable reconsideration and permit it to issue as a patent. However, if the Examiner believes that the application can be put in even better condition for allowance, the Examiner is invited to contact Applicants' representative listed below.

Application No.: 10/733,234

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Wei-Chen Nicholas Chen
Recognition under 37 CFR 10.9(b)

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 WC:apr
Facsimile: 202.756.8087
Date: February 7, 2005

**Please recognize our Customer No. 20277
as our correspondence address.**